

PROCT Rec'd 28 SEP 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Helke Lob
Application No. : 09/623,840
Filed : September 8, 2000
Title : MOTOR VEHICLE ACTUATING DEVICE
Grp./Div. : Not Yet Assigned
Examiner : Not Yet Assigned
Docket No. : 40265/DBP/E43

Express Mail No. EL308759044US

#5
RECEIVED

21 NOV 2001

Legal Staff
International Division

PETITION TO WITHDRAW ABANDONMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
September 28, 2001

Commissioner:

Applicant, in the above-identified application, through their undersigned attorney, hereby petitions to withdraw the subject application from abandonment, as follows:

Lack of Receipt of Notification of Missing Requirements, Dated October 18, 2000

The subject application was filed on September 8, 2000, along with a return postcard. The return postcard was received back from the Patent Office, noting that the application was filed on September 8, 2000 under Application No. 09/623,840. Attached, as Exhibit A, is a copy of the return postcard stamped with the date of receipt and the application number by the U.S. Patent and Trademark Office.

A verified statement claiming small entity status and request for refund was mailed, with a certificate of mailing date of December 1, 2000. Attached, as Exhibit B, is a copy of the Verified Statement.

On December 18, 2000 the Refund Section, Office of Finance, mailed an acknowledgment of receipt of the request for refund and it was received by Christie, Parker & Hale, LLP on December 27, 2000. Attached, as Exhibit C, is a copy of the December 18, 2000 acknowledgment.

After December 27, 2000, no communication was received from the U.S. Patent and Trademark Office regarding the above-identified application until on or about September 18, 2001 when applicant's were in the process of preparing and filing an Information Disclosure Statement. At that time, it was discovered that the Official filing receipt had not been received and, accordingly, as noted by the enclosed Affidavit of Alex Martinez, he placed a telephone call to the

Patent Office, talked to Michael Neas, who advised that a Notification of Missing Requirements had been mailed out on October 18, 2000. This is the first time that the undersigned, or anyone else in the firm, was aware of the Notification of Missing Requirements. Attached, as Exhibit D, is a copy of the Notification of Missing Requirements, and the September 18, 2001 fax cover sheet, from Michael Neas, forwarding the Notification of Missing Requirements.

Enclosed, herewith, as Exhibit E, is an Affidavit of Mr. Ferris, Manager of the Docketing Department of Christie, Parker & Hale, verifying that the Notification of Missing Requirements had not been received in our Office prior to September 18, 2001.

It is requested that the Notice of Missing Requirements be re-mailed and the date for response thereto be reset starting with the mailing.

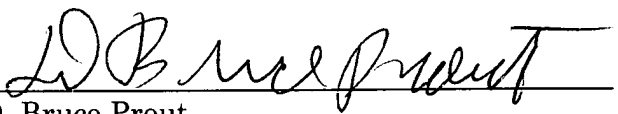
Accompanying this Petition are the following additional documents, not specifically required in the Notice of Missing Requirements:

1. English Translation of PCT application, PCT/EP99/01585.
2. An Information Disclosure Statement with cited references.
3. An English Translation of the International Preliminary Examination Report.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by or to give effect to this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
D. Bruce Prout
Reg. No.20,958
626/795-9900

DBP/djp

Enclosures as indicated

DJP PAS382960.1-* 9/28/01 4:16 PM

IN THE U.S. PATENT AND TRADEMARK OFFICE **09/623840** APPLICATION

Title: Mobile Vehicle Monitoring Device Client ID EV13
Case No 102263
Atty/Sec DRP
Date Mailed 9-8-00

Priority Claimed? YES
Assignment Enclosed (List Assignee)

Check(s) P1130 Express Mail No. 96-190-3189145

Checked by:

	Patent	Mark
Transmittal Letter(s)	<u>14</u>	
Application (No. of Pages)	<u>102263</u>	Included
Declaration & Pwr of Atty	<u>8-headers (rev)</u>	
Informal/Formal Drawings		
3 Specimens/Photos/Facsimiles	<u>N/A</u>	
Small Entity Declaration	<u>yes</u>	<u>N/A</u>
Info Disc Stmt/PTO-1449		<u>N/A</u>
Petition Extension of Time		<u>N/A</u>
PCT		
OTHER <u>1 Der, 1 SR</u>		

PLEASE RETURN THIS POSTCARD

SERIAL NUMBER/FILING DATE

Applicant Use Only
PATENT: 410 Rec'd PCT/PTO 08 SEP 2000

MARK: TM SM TM/SM PRO PT ORP CIP REI ITU 44d 44e DIV
DOCKET: Y/N Standard N FOR REV N FOR DEADLINE N Parent Case FOR REV/DEADLINE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Helke Lob
Application No. : 09/623,840
Filed : September 8, 2000
Title : MOTOR VEHICLE ACTUATING DEVICE

Grp./Div. : Not yet known
Examiner : Not yet known

Docket No. : 40265/DBP/E43

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
AND REQUEST FOR REFUND

Commissioner of Patents & Trademarks
Washington, D.C. 20231

P.O. Box 7068
Pasadena, CA 91109-7068
~~November 28, 2000~~
December 1

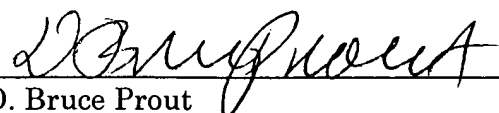
Commissioner:

Applicant hereby submits a Small Entity Declaration verifying small entity status for the above-identified application. The application was filed on September 8, 2000 with the large entity filing fee of \$1,006.00. The excess over a small entity filing fee is \$503.00. Applicant requests a refund of the excess filing fee under 37 CFR § 1.28(a).

Please refund by check with this firm as payee, and indicate our docket number on the check. A copy of this request is enclosed.

Respectfully submitted,

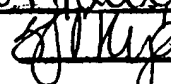
CHRISTIE, PARKER & HALE, LLP

By 
D. Bruce Prout
Reg. No. 20,958
626/795-9900

DBP/sjm
Enclosure: Small Entity Declaration
Copy of this request

SJM PAS288203.1*-11/28/00 2:09 PM

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING DEPOSITED WITH THE U.S. POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER OF PATENTS AND
TRADEMARKS, WASHINGTON, D.C. 20231 ON

December 1, 2000
12-1-00
(DATE SIGNED) 

Docket No. : 40265/DBP/E43

CHRISTIE, PARKER & HALE, LLP

Applicant or Patentee : Helke Lob

Post Office Box 7068

Application or Patent No. : 09/623,840

Pasadena, CA 91109-7068

Filed or Issued : September 8, 2000

(626) 795-9900

Entitled : MOTOR VEHICLE ACTUATING DEVICE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37) CFR 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☒ the owner of the small business concern identified below:

☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN : MEDIZINISCHE INNOVATIONEN

ADDRESS OF SMALL BUSINESS CONCERN : Elfrwalder Strasse 82, D-81377 Munich, Germany

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for the purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **MOTOR VEHICLE ACTUATING DEVICE** by inventor(s) **Helke Lob** described in

☐ the specification filed herewith

☒ Application No. ~~09/623,840~~ filed September 8, 2000
09/623,840

☐ Patent No. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME :

ADDRESS :

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37) CFR 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

Docket No.: 40265/DBP/E43

NAME :

ADDRESS :

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING :

TITLE OF PERSON IF OTHER THAN OWNER :

ADDRESS OF PERSON SIGNING :

SIGNATURE Helke Lob DATE 4. October 2000

DBP/aam

AAM PAS271812.1-*9/6/00 6:28 PM



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

December 18, 2000

CHRISTIE, PARKER HALE, LLP
D. Bruce Prout
P.O. Box 7068
Pasadena, CA. 91109-7068

RECEIVED

DEC 27 2000

Christie, Parker & Hale, LLP

file
CASE # 40265 ACTION _____
REMINDER _____ DUE DATE _____
DEADLINE _____

Dear Sir,

This is to acknowledge receipt of your refund request in the amount of \$503.00

for patent/serial number 09/623840

Your request has been forwarded to Eleanor Kurtz

for review and processing.

To inquire about the status of your refund request, please call (703) 308-3642

Thank you,

Refund Section, Office of Finance

D

PCT Help Desk
US Patent and Trademark Office
Telephone: (703) 305-3257
Facsimile: (703) 305-2919

Fax

To: Alex Martinez	From: Michael Neas, USPTO
Fax: 626-577-8800	Pages: 2
Phone:	Date: 18 Sept 2001
Re: 09/623,840	CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Copy of Form PCT/DO/EO/905 as requested.



Michael Neas
Special Program Examiner
Office of PCT Legal Administration


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: ASSISTANT COMMISSIONER FOR PATENTS
 Box PCT
 Washington, D.C. 20231

09/623840

U.S. APPLICATION NO. 09/623840 | JOB | FIRST NAMED APPLICANT | ATTY. DOCKET NO. 09/623840/EP/E4

 D BRUCE PROUT
 CHRISTIE PARKER & HALE
 P O BOX 7068
 PASADENA CA 91109-7068

5071

INTERNATIONAL APPLICATION NO.

PCT/EP99/01585

I.A. FILING DATE

PRIORITY DATE

03/11/99

03/11/98

DATE MAILED:

10/18/00

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☐ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
☒ Copy of the international application in:

- ☐ a non-English language.
☐ English.

- ☐ Translation of the international application into English.
☒ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☒ Information Disclosure Statement(s) filed 08 SEP 2000 and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Statement Claiming Small Entity Status.
☒ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☐ Other:

 2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917- unsigned
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

 3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Helke Lob
Application No. : 09/623,840
Filed : September 8, 2000
Title : MOTOR VEHICLE ACTUATING DEVICE

Grp./Div. : Not Yet Assigned
Examiner : Not Yet Assigned

Docket No. : 40265/DBP/E43

DECLARATION OF ALEXANDER A. MARTINEZ

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

I, A. Alexander Martinez hereby declare and state as follows:

1. I am an employee of Christie, Parker & Hale and work with D. Bruce Prout, assisting in processing and filing U.S. applications received from International Associates.

2. I started to process and file an Information Disclosure Statement for the above-identified application on or about September 18, 2001, when I discovered that we had not yet received an Official filing receipt for the subject application. Accordingly I placed a call to the U.S. Patent and Trademark Office and spoke with a Michael Naes who indicated that a Notice of Mission Requirements had been mailed October 18, 2000. I then requested Mr. Naes to send a copy to me. Mr. Naes then sent a copy of the October 18, 2000 notification along with a facsimile cover sheet dated September 18, 2001, which are Exhibit D to the Petition of D. Bruce Prout.


3. September 18, 2001 is the first time that to my knowledge, the Notification of Missing Requirements dated October 18, 2000 has been received in the Offices of Christie, Parker & Hale.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Application No. 09/623,840

Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 9-28-01

By  A. Alexander Martinez

DBPcg

AAM PAS383011.1.*-9/28/01 4:24 PM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Helke Lob
Application No. : 09/623,840
Filed : September 8, 2000
Title : MOTOR VEHICLE ACTUATING DEVICE

Grp./Div. : Not Yet Assigned
Examiner : Not Yet Assigned

Docket No. : 40265/DBP/E43

DECLARATION OF DANIEL G. FERRIS

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

I, Daniel G. Ferris hereby declare and state as follows:

1. I am the manager of the docketing department for Christie, Parker & Hale.
2. Attached herewith is a copy of the record screen for the above-identified application, noting that the application was filed on September 11, 2000 and a small entity declaration was filed on April 1, 2001, and that a prior art due date had been docketed for September 8, 2001.
3. The Notification of Missing Parts dated October 18, 2000 accompanying the Petition of D. Bruce Prout to my knowledge was never received in our office until on or about the date of September 18, 2001, noted on the fax cover sheet from Mr. Michael Naes of the U.S. Patent and Trademark Office. This is my belief because it is the practice of our firm to enter the date of all documents received from the U.S. Patent and Trademark Office into our computer system, which in turn would cause an action item to be listed on the record screen for the corresponding application. In this particular case, no entry has been made for receipt of the Notification of Mission Requirements dated October 18, 2000 evidencing the fact that that document was not received prior to the September 18, 2001 date.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

Application No. 09/623,840

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

9/28/01

By



Daniel G. Ferris

DBPcg

Enclosure: Copy of record screen

DJP PAS383029.1*-9/28/01 3:49 PM

PATCTRYFILE

INSERT

Record 22602 on screen

PATENT COUNTRY RECORD

Case: 40265-USA Sub: 00 Client: E43 40265USA00 DBP AAM
 E43 United States Eisenfuhr, Speiser & Partner
 USAUTLPCTC USAUTLPCT
 ASC Inv/Case Type: UTL-PCT Law: C RefCase: 40265PCT00 ISSUE
 Ancestor Case: 40265PCT00 Offspring:
 XREFFILING ISSUE

Assignee: Not Assigned

Contact: 000999 Joachim von Oppen

Status: PENDING

/ /

Priority	Claim	Mailed	Filed	Appl No	Art Unit
03/11/1998	yes	09/08/2000	09/08/2000	09/623840	
Published	Allowed	Issued	Patent No	Expiration	
/ /	/ /	/ /		/ /	

yes

Tax Entity: SE Paid By: CPH

First Annuity: / /

03/11/1998 09/08/2000 09/08/2000 / / / / / /

Country

Remarks

Created: 08/31/2000

*** Page Down ***

Last: 12/05/2000 By: PAO

F4CMDHELP ESCEXIT F2SAVE SH-F1TABLE F3VIEW F7DEL F8MODIFY F9QBE F10MULTI >>

PATCTRYFILE

INSERT

Assoc ID:

Ref Num:

/ / / / / /

5 C

Status	ActCode	Action	Due/Dead	Resp Date
CLOSED	D004	PRIORITY FILING DEADLINE	09/11/2000	09/08/2000
OPEN	A010	APPLICATION MAILED	01/08/2001	/ /
FU OPEN	H210-1	SUBMIT RQST FOR REFUND	11/08/2000	12/01/2000
CLOSED	H110	PRIOR ART DUE	09/08/2001	09/08/2000
OPEN	H200	SMALL ENTITY DECL FILED	04/01/2001	/ /
			/ /	/ /

Client Ref Num: MB1032 JVO

Title: MOTOR VEHICLE ACTUATING DEVICE

Filing Audit: / /

By:

Issue Audit: / /

By:

Dktg Rmk:

03/11/1999 / / / / 03/11/1999

03/11/1999 / / / / 03/11/1999

F4CMDHELP ESCEXIT F2SAVE SH-F1TABLE F3VIEW F7DEL F8MODIFY F9QBE F10MULTI >>